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4 Long Beach, California 90802  
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ELECTRONICALLY FILED BY  
Superior Court of California,  
County of Monterey  
On 1/17/2017 4:37:06 PM  
By: Lisa Dalla, Deputy

7 Attorney for Plaintiff,  
8 Deutsche Bank Trust Company

9  
10 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
11 **COUNTY OF MONTEREY**  
12 **MONTEREY CIVIL DIVISION**

13 DEUTSCHE BANK TRUST COMPANY  
14 AMERICAS AS TRUSTEE FOR  
15 RESIDENTIAL ACCREDIT LOANS, INC  
16 PASS THROUGH CERTIFICATES 2007-QH8

17 Plaintiff,

18 vs.

19 Concetta McBride, Gregory McBride; DOES 1  
20 through 20, inclusive,

21 Defendants,

CASE NO.: 17CV000216

COMPLAINT FOR UNLAWFUL  
DETAINER FOLLOWING  
FORECLOSURE SALE PURSUANT TO  
CALIFORNIA CODE OF CIVIL  
PROCEDURE SECTION 1161a

Limited Civil Case

Amount Not to Exceed \$10,000.00

22 Plaintiff is informed and has reason to believe that the following allegations are true and  
23 correct:

- 24 1. Plaintiff, DEUTSCHE BANK TRUST COMPANY AMERICAS AS TRUSTEE FOR  
25 RESIDENTIAL ACCREDIT LOANS, INC PASS THROUGH CERTIFICATES 2007-  
26 QH8, is entitled to possession and is the owner of record of a parcel of real property  
27 located at 12326 MARAVILLA DR, SALINAS, CA 93908. The property is located  
28 within the above-referenced Judicial District and County.
2. Plaintiff, DEUTSCHE BANK TRUST COMPANY AMERICAS AS TRUSTEE FOR  
RESIDENTIAL ACCREDIT LOANS, INC PASS THROUGH CERTIFICATES 2007-  
QH8 is an entity lawfully conducting business in California.
3. Defendant(s), CONCETTA MCBRIDE, GREGORY MCBRIDE and ALL UNKNOWN  
OCCUPANTS at all times herein mentioned resided in the State of California, County of  
MONTEREY.

COMPLAINT FOR UNLAWFUL DETAINER

- 1 4. Defendant(s), and each of them are currently in possession of and occupying the above-  
2 described premises
- 3 5. Defendant(s) is the former trustor or a holdover occupant of the former trustor.
- 4 6. The true names and capacities, whether individual, corporate, associate or otherwise, of  
5 the defendant(s) named herein as Does 1-20, inclusive, and each of them are unknown to  
6 Plaintiff, who therefore sues said Defendant(s) by their fictitious names under Code of  
7 Civil Procedure section 474. Plaintiff asks leave of the Court to amend its Complaint to  
8 include the true names and capacities of said defendant(s) when the same have been  
9 ascertained.
- 10 7. Plaintiff is the owner of and entitled to immediate possession of the real property in  
11 MONTEREY County, California, which is located at 12326 MARAVILLA DR,  
12 SALINAS, CA 93908(the "Property") which property is located within the jurisdictional  
13 boundaries of this court.
- 14 8. Plaintiff owns said land by virtue of a foreclosure sale duly held pursuant to the power  
15 under the Deed of Trust executed by Defendant(s) or their predecessors.
- 16 9. Defendants or their predecessors defaulted under the terms of the Deed of Trust which  
17 secured the Property the subject of this litigation. Thereafter a Notice of Default and  
18 Breach of Conditions of the Deed of Trust and Election to Sell the Property, to satisfy the  
19 obligation thereby secured, was recorded in the Official Records in the Office of the  
20 County Recorder of MONTEREY, California.
- 21 10. After failure of defendants or their predecessors to cure said default a Trustee's Sale of  
22 the Property was duly noticed as required under California Civil Code section 2924 et  
23 seq., to satisfy the obligation secured by the Deed of Trust.
- 24 11. At the time and place noticed for Trustee's Sale, the property was sold to Plaintiff. The  
25 Trustee's Deed Upon Sale was thereafter recorded in the MONTEREY County  
26 Recorder's Office thereby duly perfecting Plaintiff's title to the Property. A true and  
27 correct certified copy of the Trustee's Deed is attached hereto marked Exhibit "A" and  
28 made a part hereof.
12. On 01/07/2017, Defendant(s) was/were served with a written notice requiring  
Defendant(s) and "All Persons in Possession" of the Property to quit and deliver up  
possession of to property. A true and correct copy of said Notice for Possession is  
attached hereto as Exhibit "B" and is incorporated by this reference. A true and correct

copy of the Proof of Service of Notice for possession is attached hereto as Exhibit "C".

13. Defendant(s) have failed and refused to deliver up possession of the Property after expiration of the Notice as required by California Code of Civil Procedure section 1161a
14. The notice to quit expired on 01/13/2017, and as of the date of this Complaint, defendant(s) continues in possession of the Property without Plaintiff's permission or consent.
15. The reasonable value of the use and occupancy of the Property is equal to an amount according to proof at trial and damage to the Plaintiff caused by defendant's unlawful detention thereof has accrued at said rate since 01/13/2017 and will continue to accrue until the date of entry of Judgment.

WHEREFORE, Plaintiff prays judgment against Defendant(s) and each of them for:

1. Restitution and immediate possession of the Property;
2. An order restoring the Property to Plaintiff;
3. Damages in an amount to be determined, according to proof at trial at a daily rate from 01/13/2017 until the date that Judgment,
4. For cost of suit herein;
5. For such other and further relief as the court deems just and equitable.

Dated: January 13, 2017

BUCKLEY MADOLE, P.C.

By: 

Nabeel Zuberi, Esq.

Attorneys for Plaintiff, DEUTSCHE BANK  
TRUST COMPANY AMERICAS AS TRUSTEE  
FOR RESIDENTIAL ACCREDIT LOANS, INC  
PASS THROUGH CERTIFICATES 2007-QH8

**EXHIBIT "A"**



0000  
AM

ix statements to the address given above

CA-11-483339-CL

LA: 110554046-CA-GTI

Space above this line for

## Trustee's Deed Upon Sale

173-111-026-000

pursuant to Cal Rev and Tax Code §11926

### UNDERSIGNED GRANTOR DECLARES:

Grantee Herein IS the Foreclosing Beneficiary

Amount of the unpaid debt together with costs was:

\$1,4

Amount paid by the grantee at the trustee sale was:

\$1,1

Prorated interest transfer tax is:

Property is in the City of: SALINAS, County of MONTEREY

BY LOAN SERVICE CORPORATION, as Trustee, (whereas so designated in the Deed more particularly described or as duly appointed Trustee) does hereby GRANT and CONVEY

Bank Trust Company Americas as Trustee for Residential Accredit Loans, Inc Passes 2007-QH8

to the (Undersigned Grantee) but without covenant or warranty, expressed or implied, all right title and interest now and hereafter held by it as Trustee under the Deed of Trust in and to the property situated in the County of MONTEREY, State of California, described as follows:

PROPERTY IN THE CITY OF SALINAS, COUNTY OF MONTEREY, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS: LOT 26, AS SHOWN ON THE MAP ENTITLED, "TRACT 26 ESTATES", FILED FOR RECORD ON JANUARY 15, 1981 IN VOLUME 14 OF MONTEREY COUNTY RECORDS. APN: 173-111-026

and performed all duties required by the Deed of Trust including sending a Notice of Default a  
within ten/thirty days after its recording and a Notice of Sale at least twenty days prior to the Sale  
by mail, postage pre-paid to each person entitled to notice in compliance with California Civil Code

as set forth in a Notice of Breach and Election to Sell which was recorded in the office  
of said County.

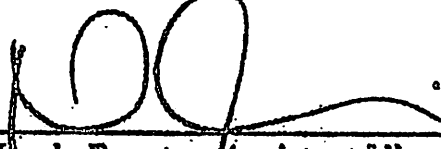
in compliance with the provisions of law regarding the mailing of copies of notices or the publication of a copy of the  
Notice of Election to Sell or the personal delivery of the copy of the Notice of Breach and Election to Sell  
and publication of copies of the Notice of Sale have been complied with.

The property was sold by said Trustee at public auction on 10/14/2016 at the place named in the Notice  
of Sale of MONTEREY, California, in which the property is situated. The foreclosing beneficiary  
of such sale, became the purchaser of said property and paid therefore to said trustee the amount of  
\$3,850 in lawful money of the United States, or by the satisfaction, pro tanto, of the obligations created  
under the Deed of Trust and instructed said trustee to vest this Trustee's Deed Upon Sale to said Grantee.

THIS INSTRUMENT IS RECORDED AT THE  
REQUEST OF SERVICELINK AS AN  
ACCOMMODATION ONLY. IT HAS NOT BEEN  
EXAMINED AS TO ITS EXECUTION OR AS  
TO ITS EFFECTS UPON TITLE.

310610012

NOTARY PUBLIC CORPORATION



By: Nicole Fuentes, Assistant Vice President

public or other officer completing this certificate verifies only the identity of the individual who is the person to whom this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

California)

f: San Diego)

OCT 26 2016

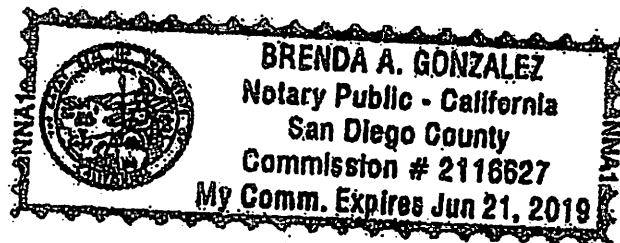
before me, Brenda A. Gonzalez a notary public, I  
Nicole Fuentes, who proved to me on the basis of satisfactory evidence  
whose name(s) is/are subscribed to the within instrument and acknowledged to me that he  
the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the i  
n(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

under PENALTY OF PERJURY under the laws of the State of California that the foregoing pa  
correct.

By my hand and official seal.

(Seal)

Brenda A. Gonzalez



**EXHIBIT "B"**



**NOTICE TO ANY RENTERS LIVING AT:  
12326 MARAVILLA DR, SALINAS, CA 93908**

The attached notice means that your home was recently sold in foreclosure and the new owner plans to evict you.

You should talk to a lawyer NOW to see what your rights are. You may receive court papers in a few days. If your name is on the papers it may hurt your credit if you do not respond and simply move out.

Also, if you do not respond within five days of receiving the papers, even if you are not named in the papers, you will likely lose any rights you may have. In some cases, you can respond without hurting your credit. You should ask a lawyer about it.

You may have the right to stay in your home for 90 days or longer, regardless of any deadlines stated on any attached papers. In some cases and in some cities with a "just cause for eviction law," you may not have to move at all. But you must take the proper legal steps in order to protect your rights.

State law permits former tenants to reclaim abandoned personal property left at the former address of the tenant, subject to certain conditions. You may or may not be able to reclaim property without incurring additional costs, depending on the cost of storing the property and the length of time before it is reclaimed. In general, these costs will be lower the sooner you contact your former landlord after being notified that property belonging to you was left behind after you moved out.

**How to Get Legal Help**

If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Web site ([www.lawhelpcalifornia.org](http://www.lawhelpcalifornia.org)), the California Courts Online Self-Help Center ([www.courtinfo.ca.gov/selfhelp](http://www.courtinfo.ca.gov/selfhelp)), or by contacting your local court or county bar association.

**NOTICE TO VACATE PREMISES LOCATED AT:  
12326 MARAVILLA DR, SALINAS, CA 93908**

**TO:**

**CONCETTA MCBRIDE, GREGORY MCBRIDE AND ALL PERSONS IN POSSESSION OF AND WHO OCCUPY THE REAL PROPERTY AT THE ABOVE ADDRESS:**

**THIS IS THE FIRST STEP IN A LAWSUIT AGAINST YOU. THE FAILURE TO VACATE THE PREMISES AS SPECIFIED BELOW WILL RESULT IN A LAWSUIT BEING FILED AGAINST YOU. A COURT JUDGMENT AGAINST YOU WILL BE RECORDED WITH NATIONAL CREDIT REPORTING AGENCIES.**

**YOU ARE HEREBY NOTIFIED** that your right to occupy the real property at the above address has been terminated as the result of the sale of the real property by the trustee under a power of sale contained in a Deed of Trust which appeared of record against the subject property.

**NOTICE**

**NOTICE IS HEREBY GIVEN THAT YOU ARE REQUIRED TO VACATE THE PREMISES AND DELIVER UP POSSESSION OF THE PREMISES TO THE UNDERSIGNED:**

- (i) Within THREE (3) DAYS after service of this Notice, in the event you are in possession of the premise and you are not a tenant or subtenant as described below;**
- (ii) Within NINETY (90) DAYS after service of this Notice, in the event you are a tenant or subtenant in possession of the rental housing unit sold in foreclosure.**

**In the event you fail to quit and deliver up to the undersigned, as agent for the owner, possession of the real property you occupy at the above address, within the relevant Notice Period specified above, you will be deemed to be unlawfully detaining the premises, which will result in the commencement of court proceedings against you, by the owner, to recover possession of the premises as well as court costs and the reasonable rental value of the premises for each day of your continued occupancy following expiration of the Notice Period set forth below.**

**If you claim to be the recipient of tenant based assistance governed by Section 8 of the United States Housing Act of 1937 (42 USC § 1437), commonly referred to as the Section 8 Housing Program, then you may be entitled to additional time in the property. Please contact our office and be prepared to provide us with all necessary information regarding your participation in the Section 8 Housing Program. If this information is verified, you will be required to vacate the premises within 90 days of the service of this notice. Additionally, this document constitutes notice that this tenancy has been terminated for good cause pursuant to 24 CFR § 982.310(d)(1) and (e)(1). This good cause termination is based on the owner's business and economic interest in the property and intent to sell.**

This Notice is authorized pursuant to the provisions of Sections 1161a, 1161b and 1161c of the California Code of Civil Procedure and 12 U.S.C. § 5220.

DATED: January 3, 2017

Deutsche Bank Trust Company Americas as Trustee  
for Residential Accredit Loans, Inc Pass Through  
Certificates 2007-QH8



Nabeel Zuberi

Attorney(s) for Deutsche Bank Trust Company  
Americas as Trustee for Residential Accredit Loans,  
Inc Pass Through Certificates 2007-QH8 owner

BUCKLEY MADOLE, P.C

301 E. Ocean Blvd. Suite 1720

Long Beach, CA 90802

To discuss this Notice, please contact the above at (562) 983-5375 between the hours of 9:00 a.m. to 4:00 p.m., Monday through Friday.

**SUBJECT PROPERTY:**

**12326 MARAVILLA DR, SALINAS, CA 93908**

**DISCLAIMER:** Under the Servicemembers Relief Act, 50 App. U.S.C.A. §18 *et seq.*, active duty military servicemembers may have additional rights and protections. Please notify our office immediately if you or any other occupants in the property are active duty military. You may also wish to contact a member of your Judge Advocate Corps.

**EXHIBIT "C"**

**PROOF OF SERVICE**

I, the undersigned, declare that I served the Notice (s) below indicated:

**NOTICE TO VACATE PREMISES**

The above described Notice(s) were served on the following named parties in the manner set forth below:

Person Served: CONCETTA MCBRIDE

Re: 12326 MARAVILLA DR., SALINAS, CA 93908 (the "Premises")

\_\_\_\_ 1. PERSONAL SERVICE

By delivering a copy of the Notice (s) on \_\_\_\_\_  
(date), at \_\_\_\_\_ (time) to each of the above  
personally.

X 2. CONSTRUCTIVE SERVICE

After due and diligent effort, by service of said  
Notice(s) as authorized by C.C.P. Section 1162 (2,3)  
on each of the above named parties in the manner  
set forth below:

- (A) By leaving a copy for each of the above named parties on 01/07/2017 at 08:12 AM, with "JOHN DOE" (Male, In his 20's, 145 Lbs., Brown Hair, Brown Eyes, 5'7"), OCCUPANT, a person of suitable age and discretion at the occupant's residence/business of the person to be served at 12326 MARAVILLA DR., SALINAS, CA 93908. I informed him or her of the general nature of the paper(s); and thereafter mailing a copy to each said party by depositing said copies in the United States mail, in a sealed envelope with postage fully prepaid, addressed to each said party at their place where the property is situated on 01/07/2017.
- (B) By posting a copy for each of the above named parties on \_\_\_\_\_ at \_\_\_\_\_ in a conspicuous place on the property at: \_\_\_\_\_ and thereafter mailing a copy to each said party by depositing said copies in the United States mail, in a sealed envelope with postage fully prepaid, addressed to each said party at their place where the property is situated on \_\_\_\_\_.

At the time of service, I was at least 18 years of age. I declare under penalty of perjury that the foregoing is true and correct.

Dated: January 10, 2017

Signature: Kathleen Hale

**KATHLEEN HALE**  
(Reg. No.: 173, Monterey County)  
**EXPRESS NETWORK**  
P.O. Box 861057  
Los Angeles, California 90086  
(213) 975-9850

BUOMA-0098084 GE

**PROOF OF SERVICE**

I, the undersigned, declare that I served the Notice (s) below indicated:

**NOTICE TO VACATE PREMISES**

The above described Notice(s) were served on the following named parties in the manner set forth below:

Person Served: ALL OTHER OCCUPANTS IN POSSESSION OF THE PREMISES

Re: 12326 MARAVILLA DR., SALINAS, CA 93908 (the "Premises")

       1. PERSONAL SERVICE

By delivering a copy of the Notice (s) on \_\_\_\_\_  
(date), at \_\_\_\_\_ (time) to each of the above  
personally.

  X   2. CONSTRUCTIVE SERVICE

After due and diligent effort, by service of said  
Notice(s) as authorized by C.C.P Section 1162 (2,3)  
on each of the above named parties in the manner  
set forth below:

- (A) By leaving a copy for each of the above named parties on 01/07/2017 at 09:12 AM, with "JOHN DOE" (Male, in his 20's, 145 lbs., Brown Hair, Brown Eyes, 5'7"), OCCUPANT, a person of suitable age and discretion at the occupant's residence/business of the person to be served at 12326 MARAVILLA DR., SALINAS, CA 93908, I informed him or her of the general nature of the paper(s); and thereafter mailing a copy to each said party by depositing said copies in the United States mail, in a sealed envelope with postage fully prepaid, addressed to each said party at their place where the property is situated on 01/07/2017.
- (B) By posting a copy for each of the above named parties on \_\_\_\_\_ at \_\_\_\_\_ in a conspicuous place on the property at \_\_\_\_\_ and thereafter mailing a copy to each said party by depositing said copies in the United States mail, in a sealed envelope with postage fully prepaid, addressed to each said party at their place where the property is situated on \_\_\_\_\_.

At the time of service, I was at least 18 years of age. I declare under penalty of perjury that the foregoing is true and correct.

Dated: January 10, 2017

Signature: Kathleen Hale

**KATHLEEN HALE**  
(Reg. No.: 173, Monterey County)  
EXPRESS NETWORK  
P.O. Box 861057  
Los Angeles, California 90086  
(213) 975-9850

BUOMA-0088098 GE

**PROOF OF SERVICE**

I, the undersigned, declare that I served the Notice (s) below indicated:

**NOTICE TO VACATE PREMISES**

The above described Notice(s) were served on the following named parties in the manner set forth below:

Person Served: GREGORY MCBRIDE

Re: 12326 MARAVILLA DR., SALINAS, CA 93908 (the "Premises")

       1. PERSONAL SERVICE

By delivering a copy of the Notice (s) on \_\_\_\_\_  
(date), at \_\_\_\_\_ (time) to each of the above  
personally.

  X   2. CONSTRUCTIVE SERVICE

After due and diligent effort, by service of said  
Notice(s) as authorized by C.C.P Section 1162 (2,3)  
on each of the above named parties in the manner  
set forth below:

- (A) By leaving a copy for each of the above named parties on 01/07/2017 at 09:12 AM, with "JOHN DOE" (Male, in his 20's, 145 lbs., Brown Hair, Brown Eyes, 6'7"), OCCUPANT, a person of suitable age and discretion at the occupant's residence/business of the person to be served at 12326 MARAVILLA DR., SALINAS, CA 93908. I informed him or her of the general nature of the paper(s); and thereafter mailing a copy to each said party by depositing said copies in the United States mail, in a sealed envelope with postage fully prepaid, addressed to each said party at their place where the property is situated on 01/07/2017.
- (B) By posting a copy for each of the above named parties on \_\_\_\_\_ at \_\_\_\_\_ in a conspicuous place on the property at: \_\_\_\_\_ and thereafter mailing a copy to each said party by depositing said copies in the United States mail, in a sealed envelope with postage fully prepaid, addressed to each said party at their place where the property is situated on \_\_\_\_\_.

At the time of service, I was at least 18 years of age. I declare under penalty of perjury that the foregoing is true and correct.

Dated: January 10, 2017

Signature: Kathleen Hale

**KATHLEEN HALE**  
(Reg. No.: 173, Monterey County)  
**EXPRESS NETWORK**  
P.O. Box 861057  
Los Angeles, California 90086  
(213) 975-9850

BUCKA-0098085 GE



ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Nabeel Zuberi Buckley Madole, P.C. 301 E. Ocean Blvd., Suite 1720, Long Beach, CA 90803 SBN: 294600 TELEPHONE NO.: 562-983-5375 FAX NO.: 562-983-5375 ATTORNEY FOR (Name): Deutsche Bank Trust Company Americas SUPERIOR COURT OF CALIFORNIA, COUNTY OF Monterey STREET ADDRESS: 1200 Aguajito Rd. MAILING ADDRESS: CITY AND ZIP CODE: Monterey, 93940 BRANCH NAME: Monterey Civil Division		FOR COURT USE ONLY <b>CM-010</b>  ELECTRONICALLY FILED BY Superior Court of California, County of Monterey On 1/17/2017 4:37:06 PM By Lisa Dalia, Deputy
CASE NAME: Deutsche Bank Trust Company Americas vs. Concetta McBride, Gregory McBride		CASE NUMBER: <b>17CV000216</b>
<b>CIVIL CASE COVER SHEET</b> <input type="checkbox"/> Unlimited (Amount demanded exceeds \$25,000) <input checked="" type="checkbox"/> Limited (Amount demanded is \$25,000 or less)		Complex Case Designation <input type="checkbox"/> Counter <input type="checkbox"/> Joinder Filed with first appearance by defendant (Cal. Rules of Court, rule 3.402)
JUDGE: DEPT:		JUDGE: DEPT:

Items 1-6 below must be completed (see instructions on page 2).

1. Check one box below for the case type that best describes this case:

<b>Auto Tort</b> <input type="checkbox"/> Auto (22) <input type="checkbox"/> Uninsured motorist (48) <b>Other P/DPD/WD (Personal Injury/Property Damage/Wrongful Death) Tort</b> <input type="checkbox"/> Asbestos (04) <input type="checkbox"/> Product liability (24) <input type="checkbox"/> Medical malpractice (46) <input type="checkbox"/> Other P/DPD/WD (28) <b>Non-P/DPD/WD (Other) Tort</b> <input type="checkbox"/> Business tort/unfair business practice (07) <input type="checkbox"/> Civil rights (08) <input type="checkbox"/> Defamation (13) <input type="checkbox"/> Fraud (16) <input type="checkbox"/> Intellectual property (19) <input type="checkbox"/> Professional negligence (25) <input type="checkbox"/> Other non-P/DPD/WD tort (35) <b>Employment</b> <input type="checkbox"/> Wrongful termination (36) <input type="checkbox"/> Other employment (15)	<b>Contract</b> <input type="checkbox"/> Breach of contract/warranty (06) <input type="checkbox"/> Rule 3.740 collections (09) <input type="checkbox"/> Other collections (09) <input type="checkbox"/> Insurance coverage (18) <input type="checkbox"/> Other contract (37) <b>Real Property</b> <input type="checkbox"/> Eminent domain/inverse condemnation (14) <input type="checkbox"/> Wrongful eviction (33) <input type="checkbox"/> Other real property (26) <b>Unlawful Detainer</b> <input type="checkbox"/> Commercial (31) <input checked="" type="checkbox"/> Residential (32) <input type="checkbox"/> Drugs (38) <b>Judicial Review</b> <input type="checkbox"/> Asset forfeiture (05) <input type="checkbox"/> Petition re: arbitration award (11) <input type="checkbox"/> Writ of mandate (02) <input type="checkbox"/> Other judicial review (39)	<b>Provisionally Complex Civil Litigation</b> (Cal. Rules of Court, rules 3.400-3.403) <input type="checkbox"/> Antitrust/Trade regulation (03) <input type="checkbox"/> Construction defect (10) <input type="checkbox"/> Mass tort (40) <input type="checkbox"/> Securities litigation (28) <input type="checkbox"/> Environmental/Toxic tort (30) <input type="checkbox"/> Insurance coverage claims arising from the above listed provisionally complex case types (41) <b>Enforcement of Judgment</b> <input type="checkbox"/> Enforcement of judgment (20) <b>Miscellaneous Civil Complaint</b> <input type="checkbox"/> RICO (27) <input type="checkbox"/> Other complaint (not specified above) (42) <b>Miscellaneous Civil Petition</b> <input type="checkbox"/> Partnership and corporate governance (21) <input type="checkbox"/> Other petition (not specified above) (43)
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2. This case ☐ is ☒ is not complex under rule 3.400 of the California Rules of Court. If the case is complex, mark the factors requiring exceptional judicial management:

a. <input type="checkbox"/> Large number of separately represented parties b. <input type="checkbox"/> Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve c. <input type="checkbox"/> Substantial amount of documentary evidence	d. <input type="checkbox"/> Large number of witnesses e. <input type="checkbox"/> Coordination with related actions pending in one or more courts in other counties, states, or countries, or in a federal court f. <input type="checkbox"/> Substantial postjudgment judicial supervision
--	--

3. Remedies sought (check all that apply): a. ☒ monetary     b. ☒ nonmonetary; declaratory or injunctive relief     c. ☐ punitive

4. Number of causes of action (specify): Two: Possession of Premises and damages

5. This case ☐ is ☒ is not a class action suit.

6. If there are any known related cases, file and serve a notice of related case. (You may use form CM-015.)

Date: January 13, 2017  
 Nabeel Zuberi

**NOTICE**

Plaintiff must file this cover sheet with the first paper filed in the action or proceeding (except small claims cases or cases filed in sanctions). (Cal. Rules of Court, rule 3.220.) Failure to file may result in sanctions.

File this cover sheet in addition to any cover sheet required by local court rule.

If this case is complex under rule 3.400 et seq. of the California Rules of Court, you must serve a copy of this cover sheet on all other parties to the action or proceeding.

Unless this is a collections case under rule 3.740 or a complex case, this cover sheet will be used for statistical purposes only.

**CIVIL CASE COVER SHEET**

Form Adopted for Mandatory Use  
 Judicial Council of California  
 CM-010 [Rev. July 1, 2007]

Page 1 of 2  
 Cal. Rules of Court, rules 2.30, 3.220, 3.400-3.403, 3.740;  
 Cal. Standards of Judicial Administration, std. 3.10  
 www.courtinfo.ca.gov  
 Westlaw Doc & Form Builder



## INSTRUCTIONS ON HOW TO COMPLETE THE COVER SHEET

CM-010

To Plaintiffs and Others Filing First Papers. If you are filing a first paper (for example, a complaint) in a civil case, you must complete and file, along with your first paper, the *Civil Case Cover Sheet* contained on page 1. This information will be used to compile statistics about the types and numbers of cases filed. You must complete items 1 through 6 on the sheet. In item 1, you must check one box for the case type that best describes the case. If the case fits both a general and a more specific type of case listed in item 1, check the more specific one. If the case has multiple causes of action, check the box that best indicates the primary cause of action. To assist you in completing the sheet, examples of the cases that belong under each case type in item 1 are provided below. A cover sheet must be filed only with your initial paper. Failure to file a cover sheet with the first paper filed in a civil case may subject a party, its counsel, or both to sanctions under rules 2.30 and 3.220 of the California Rules of Court.

To Parties in Rule 3.740 Collections Cases. A "collections case" under rule 3.740 is defined as an action for recovery of money owed in a sum stated to be certain that is not more than \$25,000, exclusive of interest and attorney's fees, arising from a transaction in which property, services, or money was acquired on credit. A collections case does not include an action seeking the following: (1) tort damages, (2) punitive damages, (3) recovery of real property, (4) recovery of personal property, or (5) a prejudgment writ of attachment. The identification of a case as a rule 3.740 collections case on this form means that it will be exempt from the general time-for-service requirements and case management rules, unless a defendant files a responsive pleading. A rule 3.740 collections case will be subject to the requirements for service and obtaining a judgment in rule 3.740.

To Parties in Complex Cases. In complex cases only, parties must also use the *Civil Case Cover Sheet* to designate whether the case is complex. If a plaintiff believes the case is complex under rule 3.400 of the California Rules of Court, this must be indicated by completing the appropriate boxes in items 1 and 2. If a plaintiff designates a case as complex, the cover sheet must be served with the complaint on all parties to the action. A defendant may file and serve no later than the time of its first appearance a joinder in the plaintiff's designation, a counter-designation that the case is not complex, or, if the plaintiff has made no designation, a designation that the case is complex.

## CASE TYPES AND EXAMPLES

## Auto Tort

Auto (22)-Personal Injury/Property  
Damages/Wrongful Death  
Uninsured Motorist (48) (If the  
case involves an uninsured  
motorist claim subject to  
arbitration, check this item  
instead of Auto)

Other P/DPD/WD (Personal Injury/  
Property Damage/Wrongful Death)  
Tort

Asbestos (04)  
Asbestos-Property Damage  
Asbestos-Personal Injury/  
Wrongful Death  
Product Liability (not asbestos or  
toxic environmental) (24)  
Medical Malpractice (45)  
Medical Malpractice-  
Physicians & Surgeons  
Other Professional Health Care  
Malpractice

## Other P/DPD/WD (23)

Premises Liability (e.g., slip  
and fall)  
Intentional Bodily Injury/PD/WD  
(e.g., assault, vandalism)  
Intentional Infliction of  
Emotional Distress  
Negligent Infliction of  
Emotional Distress  
Other P/DPD/WD

## Non-P/DPD/WD (Other) Tort

Business Tort/Unfair Business  
Practice (07)  
Civil Rights (e.g., discrimination,  
false arrest) (not civil  
harassment) (08)  
Defamation (e.g., slander, libel)  
(13)

## Fraud (16)

Intellectual Property (19)  
Professional Negligence (25)  
Legal Malpractice  
Other Professional Malpractice  
(not medical or legal)

## Other Non-P/DPD/WD Tort (35)

Employment  
Wrongful Termination (38)  
Other Employment (15)

## Contract

Breach of Contract/Warranty (06)  
Breach of Rental/Lease  
Contract (not unlawful detainer  
or wrongful eviction)

Contract/Warranty-Breach-Seller  
Plaintiff (not fraud or negligence)

Neighbor Breach of Contract/  
Warranty

Other Breach of Contract/Warranty  
Collections (e.g., money owed, open  
book accounts) (09)  
Collection Case-Seller Plaintiff  
Other Promissory Note Collections  
Case

Insurance Coverage (not provisionally  
complex) (18)

Auto Subrogation

Other Coverage

Other Contract (37)

Contract/Defraud

Other Contract Dispute

## Real Property

Eminent Domain/Inverse

Condemnation (14)

Wrongful Eviction (33)

Other Real Property (e.g., quiet title) (26)

Writ of Possession of Real Property

Mortgage Foreclosure

Quiet Title

Other Real Property (not eminent  
domain, landlord/tenant, or  
foreclosure)

## Unlawful Detainer

Commercial (31)

Residential (32)

Drugs (39) (If the case involves illegal  
drugs, check this item; otherwise,  
report as Commercial or Residential)

## Judicial Review

Asset Forfeiture (05)

Partition By Arbitration Award (11)

Writ of Mandate (02)

Writ-Administrative Mandamus

Writ-Mandamus on Limited Court

Case Matter

Writ-Other Limited Court Case

Review

Other Judicial Review (39)

Review of Health Officer Order

Notice of Appeal-Labor

Commissioner Appeals

Provisionally Complex Civil Litigation (Cal.  
Rules of Court Rules 3.400-3.403)

Antitrust/Trade Regulation (03)

Construction Defect (10)

Claims Involving Mass Tort (40)

Securities Litigation (20)

Environmental/Toxic Tort (30)

Insurance Coverage Claims

(arising from provisionally complex  
case type listed above) (41)

Enforcement of Judgment

Enforcement of Judgment (20)

Abstract of Judgment (Out of  
County)

Confession of Judgment (non-  
domestic relations)

Sister State Judgment

Administrative Agency Award  
(not unpaid taxes)

Petition/Declaration of Entry of  
Judgment on Unpaid Taxes

Other Enforcement of Judgment  
Case

Miscellaneous Civil Complaint-  
RICO (27)

Other Complaint (not specified  
above) (42)

Declaratory Relief Only  
Injunctive Relief Only (non-  
harassment)

Mechanics Lien

Other Commercial Complaint  
Case (non-tort/non-complex)

Other Civil Complaint  
(non-tort/non-complex)

## Miscellaneous Civil Petition

Partnership and Corporate  
Governance (21)

Other Petition (not specified  
above) (43)

Civil Harassment

Workplace Violence

Elder-Dependent Adult  
Abuse

Election Contest

Petition for Name Change

Petition for Relief From Late  
Claim

Other Civil Petition

**NOTICE: EVERYONE WHO LIVES IN THIS RENTAL UNIT MAY BE EVICTED BY COURT ORDER. READ THIS FORM IF YOU LIVE HERE AND IF YOUR NAME IS NOT ON THE ATTACHED SUMMONS AND COMPLAINT.**

1. If you live here and you do not complete and submit this form within 10 days of the date of service shown on this form, you will be evicted without further hearing by the court along with the persons named in the Summons and Complaint.

2. If you file this form, your claim will be determined in the eviction action against the persons named in the Complaint.

3. If you do not file this form, you will be evicted without further hearing.

CLAIMANT OR CLAIMANTS ATTORNEY (Name and Address):		TELEPHONE NO.:	FOR COURT USE ONLY
NAME OF COURT: Superior Court of California, County of Monterey STREET ADDRESS: 1200 Aguilero Rd. MAILING ADDRESS: CITY AND ZIP CODE: Monterey, 93940 BRANCH NAME: Monterey Civil Division		PLAINTIFF: Deutsche Bank Trust Company Americas DEFENDANT: Conceita McBride, Gregory McBride	CASE NUMBER:
Complete this form only if ALL of these statements are true: 1. You are NOT named in the accompanying Summons and Complaint. 2. You occupied the premises on or before the date the unlawful detainer (eviction) Complaint was filed. 3. You still occupy the premises.		DATE OF SERVICE: (To be completed by the process server) (Date that this form is served or delivered, and posted, and mailed by the officer or process server)	

1. My name is (specify):

2. I reside at (street address, unit No., city and ZIP code):

3. The address of "the premises" subject to this claim is (address):

4. On (insert date): 1-17-17, the landlord or the landlord's authorized agent filed a complaint to recover possession of the premises. (This date is the court filing date on the accompanying Summons and Complaint.)
5. I occupied the premises on the date the complaint was filed (the date in item 4). I have continued to occupy the premises ever since.
6. I was at least 18 years of age on the date the complaint was filed (the date in item 4).
7. I claim a right to possession of the premises because I occupied the premises on the date the complaint was filed (the date in item 4).
8. I was not named in the Summons and Complaint.
9. I understand that if I make this claim of right to possession, I will be added as a defendant to the unlawful detainer (eviction) action.
10. (Filing fee) I understand that I must go to the court and pay a filing fee of \$ \_\_\_\_\_ or file with the court the form "Application for Waiver of Court Fees and Costs." I understand that if I don't pay the filing fee or file with the court the form for waiver of court fees within 10 days from the date of service on this form (excluding court holidays), I will not be entitled to make a claim of right to possession.

# PREJUDGMENT CLAIM OF RIGHT TO POSSESSION

(Continued on reverse)

Code of Civil Procedure §§ 415.46, 415.47, 415.48, 415.49, 415.50, 415.51, 415.52, 415.53, 415.54, 415.55, 415.56, 415.57, 415.58, 415.59, 415.60, 415.61, 415.62, 415.63, 415.64, 415.65, 415.66, 415.67, 415.68, 415.69, 415.70, 415.71, 415.72, 415.73, 415.74, 415.75, 415.76, 415.77, 415.78, 415.79, 415.80, 415.81, 415.82, 415.83, 415.84, 415.85, 415.86, 415.87, 415.88, 415.89, 415.90, 415.91, 415.92, 415.93, 415.94, 415.95, 415.96, 415.97, 415.98, 415.99, 416.00, 416.01, 416.02, 416.03, 416.04, 416.05, 416.06, 416.07, 416.08, 416.09, 416.10, 416.11, 416.12, 416.13, 416.14, 416.15, 416.16, 416.17, 416.18, 416.19, 416.20, 416.21, 416.22, 416.23, 416.24, 416.25, 416.26, 416.27, 416.28, 416.29, 416.30, 416.31, 416.32, 416.33, 416.34, 416.35, 416.36, 416.37, 416.38, 416.39, 416.40, 416.41, 416.42, 416.43, 416.44, 416.45, 416.46, 416.47, 416.48, 416.49, 416.50, 416.51, 416.52, 416.53, 416.54, 416.55, 416.56, 416.57, 416.58, 416.59, 416.60, 416.61, 416.62, 416.63, 416.64, 416.65, 416.66, 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